

## REMARKS

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed October 1, 2004. Claims 7, 8, 14-16, 23 and 24 stand rejected. In this Amendment, Claims 7, 14, and 23 have been amended.

The Examiner rejected claims 7, 8, 14-16, 23 and 24 under 35 U.S.C. § 102(e) as being clearly anticipated by either Fano (U.S. Patent No. 6,317,718, hereinafter "Fano") or Treyz, et al., U.S. Patent No. 6,587,835, hereinafter "Treyz"). The Examiner did not provide specific citations within the text of the above references that disclose features claimed in the present invention. However, based on the entire disclosure of the above references, the pending claims are not anticipated by the above references.

Fano discloses an information gathering agent that creates a customized offer information summary based on the location of a user and items of interest. The agent running on a PDA is equipped with a GPS receiver to support location targeted shopping in an outdoor mall. The agent assists shoppers by providing information about merchandise in which the shopper has expressed an interest. As a shopper strolls through a mall, the agent alerts the shopper to merchandise of previously specified categories in the surrounding stores, as well as any cheaper alternatives in the local area. The agent utilizes the user's precise physical location to filter the information it presents.

Contrary to the presently claimed invention, Fano does not teach or suggest enabling a transaction device to locate a kiosk that provides the desired function when accessed through the transaction device. In Fano, an agent running on a PDA simply locates items that are of interest to a user, but not a kiosk that provides a function desired by a user when accessed through a transaction device locating the kiosk, as claimed in the presently claimed invention.

Treyz discloses a handheld computing device providing shopping assistance services to a user. A shopping assistance service allows a user to obtain directory information for a shopping mall or view information on products being sold in a store. Products may be purchased using wireless financial transactions. Reminders and other messages are sent to the handheld computing device. The location of the handheld computing device is monitored, and services are provided to the user based on the location of the handheld computing device.

Accordingly, Treyz uses a handheld computing device to locate products sold in a shopping mall in the vicinity of the user's current location. However, Treyz does not teach or suggest enabling a transaction device to locate a kiosk that provides the desired function when accessed through the transaction device, as does the presently claimed invention.

Thus, neither Fano nor Treyz discloses at least the features of the present invention that are contained in the following language of claim 7:

... enabling a transaction device to locate a kiosk that provides the desired function when accessed through the transaction device...

Similar language is included in independent claims 14 and 23. Accordingly, claims 7, 14 and 23, and their corresponding dependent claims, are not anticipated by either Fano or Treyz.

Thus, Applicant requests withdrawal of the 102(e) rejection and submits that claims 7, 8, 14-16, 23 and 24 are in condition for allowance.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.


**DEPOSIT ACCOUNT AUTHORIZATION**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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